

dred and seventy-two, by adding to said section the following proviso, viz. :

Provided, That upon an appeal upon questions of law alone, the justice before whom the action is tried shall upon the request of either party to the suit, return to the district court a true transcript of all the evidence given upon the trial, and the same shall be filed with the clerk of the district court as a part of the return of said justice.

SEC. 2. This act shall take effect and be in force from and after its passage.

Approved March 10, 1873.

Transcript of
evidence to be
returned.

CHAPTER LXVII.

AN ACT TO AUTHORIZE A SEVERAL JUDGMENT TO BE TAKEN, ON FAILURE TO PROVE A JOINT CAUSE OF ACTION.

Be it enacted by the Legislature of the State of Minnesota:

SECTION 1. Whenever two or more persons are sued as joint defendants, and on the trial the plaintiff fails to prove a joint cause of action against all, but proves a cause of action against one or more of the defendants, judgment may be rendered against him or them, against whom the cause of action is proved.

SEC. 2. This act shall take effect from and after its passage.

Approved February 21, 1873.

When judgment
may be given
against one of
joint defendants.

CHAPTER LXVIII.

AN ACT CONCERNING THE PROOF OF CITY ORDINANCES.